

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JERRY GEZA TOTH, individually and on behalf of  
T.T.,

Plaintiff

-against-

NEW YORK CITY DEPARTMENT OF EDUCATION

Defendant.

25-cv-3317-NRM-TAM

**DECLARATION OF  
HANNA GIUNTINI IN  
SUPPORT OF  
DEFENDANT'S POSITION  
IN THE SEPTEMBER 9,  
2025 LETTER**

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Hanna Giuntini, an attorney duly admitted to practice law in the State of New York, declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following statements are true and correct:

1. I am an Attorney with the Department of Education's ("DOE") Special Education Unit. I am familiar with the facts and circumstances set forth in this declaration based upon my personal knowledge and upon information and belief. The source of such information and the basis for such belief is my familiarity with DOE procedures and practice, correspondence with fellow DOE employees, my review of documents in the possession and custody of the DOE (such as those documents filed with the Impartial Hearing Office and those documents filed in connection with the administrative proceedings pending before Impartial Hearing Officers), as well as my experience handling special education matters, including pendency matters, for the DOE.

2. This Declaration is submitted in support of DOE's position as described in the

September 9, 2025 letter requested by the Court in its August 29, 2025 Order.

3. On May 15, 2023, Plaintiff filed a Due Process Complaint (“DPC”) regarding the Student-Plaintiff’s 2023-2024 extended school year (“ESY”). This DPC was designated case number 248309. In DPC 248309, Plaintiff alleged that the DOE failed to offer the Student-Plaintiff a free, appropriate public education (“FAPE”) for the 2023-2024 ESY. On April 2, 2024, the Impartial Hearing Officer (“IHO”) issued a Findings of Fact and Decision (“FOFD”) ordering DOE to fund tuition at the Student’s private school and school-based speech-language therapy along with 1:1 home-based ABA therapy for the 12-month 2023-2024 school year. Neither party appealed this decision. Per DOE records, the Private School’s school year ended on or about June 26, 2024.

4. On August 22, 2024 at 8:19 p.m., Plaintiff filed a DPC regarding the Student-Plaintiff’s 2024-2025-ESY. This DPC was designated case number 284080. In DPC 284080 Plaintiff alleged that the DOE failed to offer the Student-Plaintiff a FAPE for the 2024-2025 ESY. On April 3, 2025, the IHO issued an FOFD in case number 284080 denying all Plaintiff’s requested relief and dismissing Plaintiff’s August 22, 2024 DPC with prejudice.

5. On April 24, 2025, Plaintiff served the DOE with a Notice of Intent to Seek Review of the April 3, 2025 FOFD in DPC 284080. Plaintiff’s appeal to the State Review Office (“SRO”) has been designated case number 25-268. The SRO has not issued a decision in case no. 25-268.

6. Although not relevant to this proceeding, on March 28, 2025, Plaintiff filed another DPC, which was designated case number 293514. This DPC requested two independent educational evaluations (“IEEs”). On June 12, 2025, the IHO issued an FOFD denying Parent’s request for IEEs. Plaintiff appealed this FOFD to the SRO where it is pending under case number

25-447.

7. On June 30, 2025 at 6:35 a.m., Plaintiff filed a DPC regarding the Student-Plaintiff's 2025-2026 ESY. This DPC was designated case number 295741 and is currently pending at the administrative level before the IHO. In connection with this DPC, on July 15, 2025, the DOE submitted a pendency implementation form stating that the Student's pendency program is (1) at the Student's private school for the 12-month school year, (2) speech language therapy, and (3) 1:1 home-based ABA therapy for 20 hours per week. The basis for this pendency program is the FOFD in DPC 284309.

Dated: September 9, 2025  
Brooklyn, New York

*Hanna Giuntini*

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Hanna Giuntini, Esq.  
Agency Attorney  
Special Education Unit  
Office of the General Counsel  
NYC Department of Education